

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

BOBBY L. SHED

PLAINTIFF

VERSUS

CAUSE NO. 1:19cv203-GHD-RP

STARKVILLE FORD-LINCOLN-MERCURY, INC.

DEFENDANT

JURY TRIAL DEMANDED

COMPLAINT

This is an action to recover actual and punitive damages for violation of the Americans with Disabilities Act. The following facts support this action:

1.

Plaintiff BOBBY L. SHED is an adult resident citizen of 29 Greenwood Street, Starkville, Mississippi 39759.

2.

Defendant STARKVILLE FORD-LINCOLN-MERCURY, INC. is a Delaware corporation. Defendant may be served with process upon its registered agent, C T Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232. Defendant is an employer within the meaning of the Americans with Disabilities Act.

3.

This Court has federal question jurisdiction under 28 U.S.C. § 1331, and civil rights jurisdiction under 28 U.S.C. § 1343, and has jurisdiction under the Americans with Disabilities Act Amendments Act ("ADAAA"), 42 U.S.C. § 12101, *et. seq.*

4.

Plaintiff has filed an EEOC charge, attached hereto as Exhibit "A," and has received the right to sue letter, attached hereto as Exhibit "B."

5.

Plaintiff was employed by Defendant for nineteen (19) years. Plaintiff was a good worker and would miss work only when physical illness or disability rendered him unable to work. In September 2018, Plaintiff suffered a severe injury to his knee, which required surgery, and made him unable to perform many ordinary life activities, such as walking, standing, and bending for a period of three (3) weeks. Plaintiff was off work for three (3) weeks. In March 2018, Plaintiff had surgery on his right testicle to remove buildup of fluid around the testicle.

6.

Upon returning to work, Defendant informed Plaintiff he was terminated. Defendant claimed the reason was he had missed too many days.

7.

Additionally, Defendant falsely told the Equal Employment Opportunity Commission that Plaintiff was discharged for failing to properly call in.

8.

In fact, Defendant fired Plaintiff because it was hostile to him because he had injuries amounting to a disability, and resented his being off work due to having a record of a disability. Although Plaintiff fully recovered after three (3) weeks, he had a record of disability, being unable to perform any ordinary life activities for a period of three (3) weeks. Further, Defendant regarded Plaintiff as having a disability.

9.

Plaintiff was fired because he has a record of a disability and was regarded by Defendant as having a disability.

10.

Plaintiff has suffered lost income and mental anxiety and stress as a result of Defendant's actions. Punitive damages are due because of the outrageous nature of Defendant's actions.

REQUEST FOR RELIEF

Plaintiff requests actual and punitive damages, in an amount to be determined by a jury, reinstatement, and reasonable attorneys' fees, costs, and expenses.

RESPECTFULLY SUBMITTED, this the 19th day of November, 2019.

BOBBY L. SHED, Plaintiff

By: /s/ Jim Waide

Jim Waide, MS Bar No. 6857

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ATTORNEY FOR PLAINTIFF

STATE OF MISSISSIPPI

COUNTY OF Lee

PERSONALLY came and appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the within named BOBBY L. SHED, who, after being first duly sworn, states under oath that the facts contained in the above and foregoing COMPLAINT are true and correct as stated therein.

Bobby L. Shed
BOBBY L. SHED

GIVEN under my hand and official seal of office on this the 15 day of November 2019.

Kimberly M. Sanders
NOTARY PUBLIC

(SEAL)

